

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76687

Eiji TERAUE

Appln. No.: 10/633,718

Group Art Unit: 2625

Confirmation No.: 5695

Examiner: Beniyam MENBERU

Filed: August 5, 2003

For: IMAGE PROCESSING APPARATUS, AND IMAGE PROCESSING PROGRAM
STORAGE MEDIUM

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on

May 29, 2008:

REMARKS

An Examiner's Interview Summary Record (PTO-413) was mailed on June 3, 2008.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: 1, 17
3. Identification of art discussed: Dewitte (U.S. Patent No. 7,968,391) and Patton
(U.S. Patent No. 6,304,345)
4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments:

During the interview, Applicant's representative and the Examiner discussed the rejection of claim 17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the description requirement, because the term "colorimetric" is allegedly not disclosed in the original specification. Applicant submitted that there is adequate disclosure for this term at least on pages 19-21 of the original specification. The Examiner agreed to remove the § 112 rejection.

Applicant submitted that there is no teaching or suggestion in Dewitte of "a proof image reproducing a printed image in which a process color print image constituting of process colors and a spot color print image are superposed upon each other", as recited in independent claim 1 and analogous independent claim 5. The Examiner agreed that the cited reference, Dewitte, does not specifically teach the superposing of process colors and spot colors, but asserted that the disclosure in column 9, lines 65-67 of Dewitte that the proofer has CMYK, green and orange implies that the green and orange may be spot colors. The Examiner however indicated that he will reconsider Applicant's arguments.

Applicant further submitted that there is no teaching or suggestion in Patton of the feature "an additional image data creating section that creates additional image data for the output device, which is representative of an additional image describing a reproduction property of a spot color in the reproduction system presupposed when the image data conversion section processes printing image data", as recited in independent claim 1 and analogously recited in independent claims 5, 9, and 10. The Examiner stated that he would have to reconsider the cited reference in its entirety.

Applicant submitted that there is no teaching or suggestion in Patton of "an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in the additional image data creating section, so that the output device outputs the proof image and the additional image", as recited in claims 1, 5, 9, and 10. However, the Examiner maintained his position that this claimed feature is disclosed in column 5, lines 20-37 of Patton.

6. Indication of other pertinent matters discussed: None
7. Results of Interview: The Examiner will re move the § 112 rejection and reconsider the cited references in view of Applicant's arguments.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Mark E. Wallerson/

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